

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

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In Re:

Lawrence D. and Caroline K. Merrill,  
Debtors

Chapter 13  
Bk. No. 09-12012-JMD

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Lawrence D. and Caroline K. Merrill

v.

CitiMortgage, Inc. s/b/m to  
ABN AMRO Mortgage Group, Inc.

**Hearing Date: March 12, 2010**

**Hearing Time: 9:30 a.m.**

and

Lawrence J. Sumski,

Trustee

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**OBJECTION TO PROOF OF CLAIM**

**NOW COME** Lawrence D. and Caroline K. Merrill by and through their attorneys, Michels & Michels and files this Objection to Proof of Claim filed by CitiMortgage, Inc. and in support thereof states as follows:

1. Debtors filed a bankruptcy on May 29, 2009 pursuant to Chapter 13 of the bankruptcy code.

2. CitiMortgage, Inc. filed a proof of claim designated as Claim #8 on or about on August 24, 2009 stating that the arrearage on the mortgage was \$17,232.07.

3. Debtors believe that the arrearage amount is greater than the number on the proof of claim and by their estimate the number appears to be about \$20,520.00.

4. Jurisdiction in this Court arises under 28 U.S.C. Section 1334.

5. The United States District Court for the District of New Hampshire has referred all cases and proceedings arising under Title 11 to the Bankruptcy Judge for this district.

6. This is a core proceeding as defined in 28 U.S.C. Section 157(b)(2)(B).

7. Debtors prepetition had been unable to pay their real estate taxes. CitiMortgage, Inc. advanced real estate taxes to cover the amount due the Town of North Hampton, NH.

8. Debtors believe that the mortgage company has improperly accounted for the advances that they made to pay the real estate taxes and the amount due for prepetition monthly payments that were not made.

9. Debtors received a letter from CitiMortgage, Inc. approximately three (3) days prior to filing which indicated that the Debtors were in arrears slightly over \$20,000.00.

10. Debtors have received numerous correspondences and statements from CitiMortgage, Inc. prior to filing but have been unable to reconcile the numbers.

11. Counsel contacted the Attorney who filed the proof of claim on behalf of CitiMortgage, Inc. several times starting back in August of 2009 requesting a more detailed accounting of what was owed so this matter to could be resolved, but no information has been forthcoming.

**WHEREFORE**, your Debtors request this Honorable Court enter an order:

A. Requiring CitiMortgage, Inc. to give a full detailed accounting of all monies received on this mortgage, all real estate taxes advanced and all payments due;

B. Amend the proof of claim amount so that the arrears to be paid through the Plan includes all prepetition amounts due for principle, interest, real estate taxes advanced, reasonable escrow amounts and reasonable fees and expense; and,

C. For whatever and further relief appears just and equitable.

Respectfully submitted,  
LAWRENCE D. AND CAROLINE K. MERRILL  
By and Through Their Attorneys,  
MICHELS & MICHELS

Dated: February 26, 2010

By: /s/ Nancy H. Michels

Nancy H. Michels, BNH# 01325  
25 Nashua Road, PO Box 980  
Londonderry, NH 03053-0980  
(603) 434-1717

**CERTIFICATE OF SERVICE**

I, Nancy H. Michels, at Michels & Michels, PO Box 980, Londonderry, New Hampshire 03053-0980, certify:

Under penalty of perjury, I certify that I am over the age of eighteen (18) years and that a true and correct copy of the OBJECTION TO PROOF OF CLAIM filed by CitiMortgage, Inc. has been electronically forwarded on this 26<sup>th</sup> day of February, 2010 to the following:

Jason J. Giguere, Esquire, Attorney for CitiMortgage, Inc.  
Office of the U.S. Trustee  
Lawrence P. Sumski, Trustee  
Linh Kiet Tran  
All others receiving electronic filing

AND

Has been forwarded this 26<sup>th</sup> day of February 2010, by first class mail, postage prepaid, to the following:

CitiMortgage, Inc.  
PO Box 790014  
Ballwin, MO 63011

Lawrence D. and Caroline K. Merrill  
154 South Rd.  
North Hampton, NH 03862

/s/ Nancy H. Michels  
Nancy H. Michels, Esquire